

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANTE D. WILLIAMS,

Defendant.

4:19-CR-3011

ORDER

The defendant in this case pleaded guilty to counts I, II, and III of the second superseding indictment ([filing 122](#)):

- I. Murder during the commission of a crime of violence (to wit, attempted Hobbs Act Robbery);
- II. Attempted Hobbs Act Robbery on July 30, 2018; and
- III. Attempted Hobbs Act Robbery on July 31, 2018.

But the United States Supreme Court held in *United States v. Taylor*, 142 S. Ct. 2015, 2020-21 (2022) that attempted Hobbs Act robbery is not a "crime of violence" for purposes of 18 U.S.C. § 924(c)—at least arguably undermining the basis for the defendant's conviction on Count I. The defendant has filed a motion to appoint new counsel to represent him on appeal, claiming his current counsel will not raise an argument under *Taylor* on his behalf in his still-pending direct appeal. [Filing 722](#).

But this Court did not appoint counsel to represent the defendant on appeal—the Eighth Circuit did that. See [filing 675](#). So, if the defendant is to be

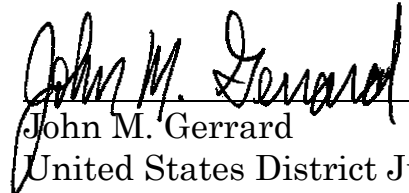
appointed new counsel to represent him before that court, it's that court that must make the appointment. Accordingly,

IT IS ORDERED:

1. The defendant's motion to appoint counsel ([filing 722](#)) is denied without prejudice to reassertion in the U.S. Court of Appeals for the Eighth Circuit.
2. The Clerk of the Court shall forward a copy of the defendant's motion, along with a copy of this order, to the Eighth Circuit Clerk's Office.

Dated this 3rd day of October, 2022.

BY THE COURT:



John M. Gerrard
United States District Judge